

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

KYLE CANNON, LEWIS LYONS, and  
DIANNE LYONS, individually and on  
behalf of all others similarly situated

Plaintiffs,

vs.

ASHBURN CORPORATION, WINES  
'TIL SOLD OUT (WTSO.COM), and  
JONATHAN H. NEWMAN,

Defendants.

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:  
: Civil Action No.:  
: 1:16-cv-01452 (RMB) (AMD)  
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: **NOTICE OF MOTION TO DISMISS OR,**  
: **IN THE ALTERNATIVE, TO STRIKE**  
: Motion Date: June 6, 2016  
: Oral Argument Requested  
:

To: James E. Cecchi, Esq.  
Carella, Byrne, Cecchi, Olstein  
Broady & Agnello, P.C.  
5 Becker Farm Road  
Roseland, NJ 07068  
*Attorneys for Plaintiffs*

**PLEASE TAKE NOTICE** that on June 6, 2016, or at such other date and time as may be set by the Court, Defendant Ashburn Corporation d/b/a Wines 'Til Sold Out and WTSO.com ("WTSO") will move before the Honorable Renée Marie Bumb, at the United States District Court, Mitchell H. Cohen United States Courthouse, 1 John F. Gerry Plaza, Camden, NJ 08101, for an Order pursuant to Fed. R. Civ. P. 12(b)(6) for dismissal of all claims brought by plaintiffs, or, in the alternative, to strike plaintiffs' class allegations.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, WTSO shall rely on the Memorandum of Law in Support of Motion to Dismiss; and

**PLEASE TAKE FURTHER NOTICE** that at the aforesaid time and place, WTSO will request that the proposed form of Order submitted herewith be entered by the Court; and

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested.




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Suzanne Ilene Schiller, Esquire  
Nicole R. Moshang, Esquire  
James M. McClammer, Esquire  
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(484) 430-5700  
*Attorneys for Defendant Ashburn Corporation d/b/a  
Wines 'Til Sold Out and WTSO.com)*

Dated: May 12, 2016

**CERTIFICATE OF SERVICE**

Suzanne Ilene Schiller hereby certifies that on May 12, 2016, she caused a true and correct copy of the foregoing Notice of Motion to be electronically filed with the Clerk of Court using the CM/ECF system, and on all counsel of record via the Court's electronic filing system.

A handwritten signature in black ink, appearing to read "Suzanne Schiller", written in a cursive style.

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Suzanne Ilene Schiller, Esquire